

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3659/1dn
RLR:jld:jf

October 5, 2001

Representative Kestell:

Elements of your request have already been addressed by the 2001-03 budget act. The budget act adds a specific prohibition against damaging research plants to the crime "damage to property," and imposes a Class E felony for criminal damage to research plants, regardless of whether the plants are owned by a public or private entity. A Class E felony is punishable by a term of confinement in prison followed by a term of extended supervision that together may not exceed five years, a fine not to exceed \$10,000, or both. You had requested that I assign the same penalty for damage to research crops as is provided for unlawful release of animals. The penalty for intentionally releasing an animal that is lawfully confined for scientific, farming, restocking, research, or commercial purposes is a Class C felony, which is punishable by a term of confinement in prison followed by a term of extended supervision that together may not exceed 15 years, a fine not to exceed \$10,000, or both. Would you like this bill to amend the budget provision regarding damage to research plants to increase the penalty from a Class E felony to a Class C felony?

The budget act also includes damage to research plants in the definition of "racketeering activity" under the racketeering activity and continuing criminal enterprise provisions of the statutes. This bill, like 1999 Assembly Bill 899, adds unlawful release of animals to the definition of "racketeering activity."

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